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A BRIEF SURVEY OF THE DEVELOPMENT OF COMPULSORY EDUCATION IN THE UNITED STATES

W. A. COOK
Madison, Wisconsin

Just what is the theory upon which rests the right of the state to compel children to take an education? This question has been regarded from very different standpoints at different times and places, and a comparison of current views in our own country, coming from leading educators, would probably afford some interesting material. Very divergent views would doubtless be expressed. The principle has become so generally accepted that it is seldom thought to be necessary to state explicitly the reasons on which the principle rests.

Martin Luther proposed compulsion as a religious duty of the state to its citizens. Everyone should be made to learn to read because he ought to be able to read the Bible for himself. John Calvin also declared for universal education in his ecclesiastical state of Geneva in 1542. John Knox carried the same idea into Scotland. These reformers could hardly have dreamed of the great variation in religious views that would arise from the free reading of the Scriptures. They thought only of the revolt it would spread against Catholicism and not of the differences it would create among the Protestants themselves. With their uncompromising, intolerant attitude it is very likely that these men would have taken a different stand, had they understood the natural results of universal education.

In the sixteenth century French Protestants made a demand for schools in their own country. Holland was liberal in placing educational facilities before all its people, but the principle of action was more the establishment of school than obligatory universal attendance.

Two modern ideas at least may be mentioned, one in the Old World, the other in the New. Compulsory education in England has been regarded as necessary in order to keep the lower classes

from wronging themselves; in America the matter has been considered from the social and political point of view instead of from the personal point of view. Americans consider compulsory education as the *sine qua non* of political existence, since the state cannot, for its own sake permit any of its citizens to grow up in ignorance. This little touch of Spartanism is interesting.

Furthermore, one may urge that compulsory education is the natural complement of a system of free schools. If education is so necessary that schools should be supported by public taxation, it must be so invaluable that everyone needs a certain modicum. If the individual will not voluntarily take the free education offered, he should be compelled to accept it, both for his own sake and for that of society as a whole. After providing a proper equipment, after securing a competent teaching force, after defining the work which the schools shall do in order to justify their existence at public expense, it is imperatively necessary to exact the attendance of the children for a sufficient time to accomplish the object in view. Of course, if any parent prefers to educate his child at home or in a private school, no one can object, if this is not a sham and a pretext and if the education so provided is at least equivalent to that which the public requires.

Compulsory legislation began very early in this country, almost as early as the schools themselves. In Massachusetts a law was enacted in 1642 making the education of children and indentured servants necessary, so far as a knowledge of the reading of English and a knowledge of criminal law were concerned. Further legislation was passed from time to time in the same colony and was generally enforced.

It was not until the factory system arose, however, and the flood of illiterate immigration set in that a serious situation arose. The effect of the factory system was to make larger demands on the time and energy of the workingman and to curtail his opportunity to devote himself to preparation for intelligent living. The tendency of immigration was to create a large class without the educational traditions or the helpful home influences of the native New Englander. The laws passed in England about the opening of the nineteenth century were substantially copied in Connecticut and Massachusetts. The responsibility was placed principally upon

the employer, less upon the parent. As compulsory legislation the enactments were altogether defective according to present standards, the age limit was low, the prescribed annual term of school attendance was short, and there was no legal machinery competent to enforce penalties, though the penalties written in the statutes sounded somewhat severe.

When the great movement for free public schools began spreading over the country near the middle of the last century, the idea of compulsion followed as a corollary. The Massachusetts law of 1852 was the first to be passed in the new era. Its provisions mark it as a piece of modern legislation in every respect except that of enforcement. Years of experience had demonstrated that special officers are needed for this purpose. This defect in the Massachusetts law has been corrected in later legislation. Later experience has, however, carried us farther. It is becoming evident that an officer of the larger political unit is the best, in order that all idea of local color, or favoritism due to acquaintance or relationship may be eliminated. Officers who are subject to what we term political influences are a failure at this task.

The gradual corrections of the defects in the Massachusetts law have been made with scarcely a backward step. Few states have made so many mistakes or progressed so consistently. The other commonwealths took action later and so were able to avoid some of the blunders of the pioneer in compulsory legislation. New Hampshire, Connecticut, Vermont, and New York all acted from 1867 to 1874. The Connecticut law was from the beginning a practical working measure, though it has repeatedly been amended in important particulars.

In the decade 1880-90 many of the American commonwealths attacked the problem in earnest. Three distinct issues arose in this connection aside from the main point of the law: (1) the restriction of employment of children of school age,¹ (2) provision for very poor children, (3) the supervision of the non-public school. By 1890 laws existed in about thirty of the states. The general age limit was eight to fourteen; six to sixteen was the extreme range and did not occur in any one state. The annual term required

¹ The limitations of this article make it necessary to omit any discussion of factory legislation.

varied from 12 to 20 weeks, except in Massachusetts where 30 was the maximum. Several states provided for the children of needy parents by furnishing free textbooks. Three states excused such from the operation of the law, and two assisted by providing clothing. The penalties were for the most part left to the discretion of courts having jurisdiction. The inferior and superior limits of fines were usually \$5 and \$20 respectively, but Illinois and New York established a minimum of \$1. Labor of those under fourteen was rarely permitted. The attitude toward private and parochial schools was defined in about half of the laws, by prescribing certain branches, but no method of determining conformity to the requirements was specified.

If one were to have traveled overland from Philadelphia to the headwaters of the Ohio, followed that stream to its confluence with the Mississippi, and thence traveled southwest, he would approximately have cut the states having compulsory legislation from those without it.¹ The significance of this general geographical distribution of compulsory statutes is interesting and depends upon a whole group of political, social, and economic factors.

The following is a general summary of the condition in 1910, twenty years later than the time just described. The two decades between 1890 and the present show marked advancement in various ways. Every state now has some sort of a factory law with reference to child labor, but Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas have no law for compulsory education. The extreme age limits affected in any part of the country are seven and eighteen. Idaho and New Jersey stand at the top with ranges of eight to eighteen and seven to seventeen, respectively. The average would seem to be seven to fourteen or seven to fifteen.

Another change appears in the tendency to require attendance for the full term instead of for a limited number of weeks, but in most of the states where the laws are of recent passage 12 or 16 weeks is a common requirement. In states where any discrimination is made between localities, the distinction is made (1) by per-

¹ To be more exact, Missouri, Iowa, Indiana, and Pennsylvania had not yet acted. Those interested in following the movement in detail should consult the Reports of the U.S. Commissioner of Education.

mitting local boards to reduce the annual term of compulsion, and (2) by setting a higher standard in the cities. In general, it is fair to say that the annual period of compulsory attendance varies in length with the annual school term.

Disregard of the law is now a more serious offense than formerly. Many states permit a fine of as high as \$50. There is a freer use of imprisonment than a few years ago, especially in default of payment of fines; but some states provide for imprisonment irrespective of the assessment of a fine. Cumulative penalties for repeated offenses are meted out in many states. The penalties in the South, as might be expected, are low.

With private schools there has been much friction in places. The desire of the authorities to maintain a proper standard of instruction in all schools which shall under the law be deemed a substitute for the public school, has caused the management of these private or church enterprises to resent what they considered an infringement of their rights. The cry of religious freedom when raised at this point has at times found listeners. In any case there obviously should be some method of passing on the work of such schools. The authorities, the city, the county, or the state, should inspect the work of all such schools just as the work of public schools is inspected. A superintendent is not willing to judge the work of a teacher as to its passable character by the course of study which that teacher is supposed to teach; and it is safe to assert that no school can be judged rightly by its announcements merely.

A new principle, and an eminently proper one, is coming slowly into operation in enactments dealing with compulsory education. The mental attainments of the child are being recognized as a proper basis upon which to determine whether attendance has been adequate. For instance, the ability or lack of ability to read and write is coming to be recognized as more important than the pupil's age. Most states are still adhering to the old plan of the age limit, but it seems likely that age will be combined with tests of educational efficiency in such a way as to secure a new adjustment. For after all, the theory underlying compulsory education is that there is need of a certain amount of education, and not that one should spend a certain length of time with a book in one's hand.